

Case 1:03-cr-00248-DAE Document 45 Filed 04/24/2006 Page 1 of 1

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

GLENN D. CHOY Hawaii Bar #1985
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Honolulu, HI 96813
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Attorney for Defendant

APR 24 2006

at 10 o'clock and 24 min. M
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 03-00248 DAE
)	
Plaintiff,	)	NOTICE OF HEARING
	)	MOTION; MOTION TO
v.	)	CONTINUE SENTENCING;
	)	DECLARATION OF COUNSEL;
SAMUEL K. KAAUWAI, III,	)	EXHIBIT; CERTIFICATE
	)	OF SERVICE
Defendant.)	
	)	Date:
	)	Time:
	)	Judge:
)	

NOTICE OF HEARING MOTION

TO: Assistant U.S. Attorney Marshall Silverberg
Room 6100, Prince Jonah K. Kuhio Bldg.
300 Ala Moana Blvd., Room 6-100
Honolulu, Hawaii 96850
Attorney for Plaintiff

PLEASE TAKE NOTICE that the attached motion will be heard before the Honorable _____, Judge of the above-entitled court, in his courtroom at the Prince Kuhio Federal Building, 300 Ala Moana Boulevard, Honolulu, Hawaii on _____, _____, 2006, at _____ a.m./p.m., or as soon thereafter as counsel may be heard.

DATED: Honolulu, Hawaii April 24, 2006.

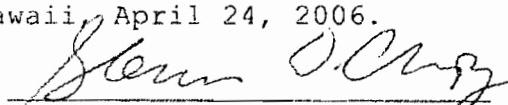

GLENN D. CHOY
Attorney for Defendant

EXHIBIT 8

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

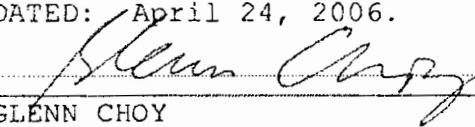
UNITED STATES OF AMERICA,)	CR. NO. 03-00248 DAE
)	
Plaintiff,	)	MOTION TO
	)	CONTINUE SENTENCING
v.)	
)	
SAMUEL K. KAAUWAI, III,)	
)	
Defendant.)	
)	

MOTION TO CONTINUE SENTENCING

COMES NOW Defendant SAMUEL K. KAAUWAI, III, by and through his court-appointed attorney, GLENN D. CHOY and hereby moves this Honorable Court to enter an Order continuing sentencing from the presently-set date of May 25, 2006 at 1:30 p.m., to enable Defendant to complete courses at Federal Detention Center.

This motion is based on FRCrP 12(b), the attached Declaration of Counsel attached hereto and made a part hereof, and such argument as may be made at hearing.

DATED: April 24, 2006.


GLENN CHOY
Attorney for Defendant

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 03-00248 DAE
)	
Plaintiff,	)	DECLARATION OF COUNSEL
)	
V.)	
)	
SAMUEL K. KAAUWAI, III,)	
)	
Defendant.)	
)	

DECLARATION OF COUNSEL

I, Glenn Choy, declare that:

1. Declarant is the attorney for Defendant SAMUEL K. KAAUWAI, III, in the captioned matter; Defendant is presently confined at the Federal Detention Center [FDC] Honolulu;

2. Sentencing is presently scheduled for May 25, 2006 at 1:30 p.m.

3. On information and belief, Declarant further states:

a. Defendant signed out for FDC study

material for the GED exam, which will be offered in June and September 2006; the exam is comprised of three parts, i.e., math, science, and reading and writing; Defendant intends to take the exam in June 2006, but is unsure of passing all three parts, and is aiming to pass all three parts by the September exam;

b. Defendant enrolled in the Anger/Stress class in late March 2006; he believes that that course ends in late August or early September 2006;

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4. Defendant desires to take and complete the mentioned courses, to better himself, to improve his employment prospects, and to apply upon his release from detention;

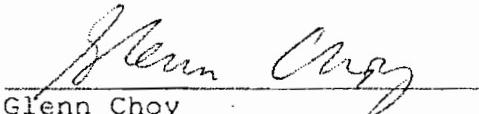
5. A continuance will enable Defendant to engage in course work that will help him substantially in his pursuit of self-improvement and will reinforce his pro-social skills and motivations;

6. Declarant has spoken with Assistant U.S. Attorney Marshall Silverberg regarding the instant request; Mr. Silverberg led Declarant to believe that he was not opposed to the instant motion;

7. The instant request is not intended as a means of delay; a continuance of sentencing is requested in good faith for the foregoing reasons;

I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED ON MAY 24, 2006.


Glenn Choy
Attorney for Defendant

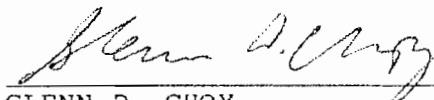
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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document was duly mailed and/or hand-delivered to the following on the date of filing:

MARSHALL SILVERBERG
Assistant United States Attorney
PJKK Federal Building
300 Ala Moana Boulevard, Room 6100
Honolulu, Hawaii 96813
Attorney for Plaintiff
UNITED STATES OF AMERICA

DATED: Honolulu, Hawaii, May 24, 2006.



GLENN D. CHOY
Attorney for Defendant

Abing, Cheri (USAHI)

From: hid_resp@hid.uscourts.gov
Sent: Monday, April 24, 2006 1:23 PM
To: hawaii_cmeccf@hid.uscourts.gov
Subject: Activity in Case 1:03-cr-00248-DAE USA v. Kaauwai "Motion to Continue"

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U.S. District Court**District of Hawaii - CM/ECF V2.5 (11/05)****Notice of Electronic Filing**

The following transaction was received from Glenn D. Choy entered on 4/24/2006 at 1:23 PM HST and filed on 4/24/2006

Case Name: USA v. Kaauwai
Case Number: 1:03-cr-248
Filer: Dft No. 1 - Samuel M. Kaauwai, III
Document Number: 45

Docket Text:

MOTION to Continue Sentencing by Samuel M. Kaauwai, III. (Attachments: # (1) Motion to Continue# (2) Declaration of Counsel# (3) certificate of service)(gls,)

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1095854936 [Date=4/24/2006] [FileNumber=72301-0]
[9c17a042f3828bd2d60158f3dc6ee7b6bb029bb524e8a0b43e3848301fb80065c3289
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Document description: Motion to Continue

Original filename: n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1095854936 [Date=4/24/2006] [FileNumber=72301-1]
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Document description: Declaration of Counsel

Original filename: n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1095854936 [Date=4/24/2006] [FileNumber=72301-2]
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Document description: certificate of service

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1095854936 [Date=4/24/2006] [FileNumber=72301-3]
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1:03-cr-248-1 Notice will be electronically mailed to:

Glenn D. Choy choyhawaii@hawaiiantel.net

Marshall H Silverberg marshall.silverberg@usdoj.gov, cheri.abing@usdoj.gov;
USAHI.ECFMajorCrimes@usdoj.gov

1:03-cr-248-1 Notice will be delivered by other means to: